

REMARKS

Claims 1-11 and 43-51 are pending in the application. No claims are added or cancelled by this reply. Accordingly, claims 1-11 and 43-51 are at issue. Applicant respectfully requests reconsideration or further examination.

Claims 1-11 and 43-45 stand rejected under 35 U.S.C. §102(e) as being unpatenable over Goldhaber, U.S. patent No. 5,855,008 in view of Pitroda, U.S. Patent No. 5,884,271 (Pitroda '271). Applicant respectfully traverses the rejection.

Claim 1, as presently amended, claims, a transaction service provider that comprises, inter alia, a processor configured to designate a selected vendor from a plurality of vendors, and provide the selected vendor with access to selected information derived from transactional information stored in a predetermined first portion (i.e., a confidential portion) of a database of client information. For example, the transaction service provider may be authorized to disclose a client's travel history to enhance the client's bargaining power when purchasing airfare. Application, p. 26, ll. 14-31. Goldhaber does not teach or suggest such a configuration of a processor.

Pitroda '271 also does not teach or suggest making selected information derived from transactional information available to a selected vendor. Also, it should be noted that the parent to Pitroda '571, U.S. Patent No. 5,590,038 (Pitroda '038) is incorporated by reference into the present application. See Application, p. 1. The present invention may be advantageously used in connection electronic transaction devices such as those disclosed in Pitroda '038 and Pitroda '271. For example, an electronic transaction device 12 is illustrated in Fig. 3. Also, dependent

Claim 10 expressly claims a processor further configured to establish communication with such an electronic transaction device and receive information from such an electronic transaction device. Nevertheless, Pitroda '271 and Goldhaber, either alone or in combination, do not disclose or make obvious the transaction service provider as now claimed because neither patent discloses making selected information derived from transactional information available to a selected vendor. Accordingly, Claim 1, and all claims depending from Claim 1, are not obvious in view of the cited patents and are believed in allowable condition.

Claim 1 is also amended to correct "clients" to "client's." This amendment is to make paragraph b) consistent with the rest of Claim 1, and is not intended to change the scope of the claim. The amendment is not intended to limit Claim 1 to a single-client embodiment. The recitation of "a client" is intended to cover both a single client and more than one client.

Claim 2 is not rendered unpatentable by Goldhaber in view of Pitroda '271 for the further reason that claim 2 claims, inter alia, that the processor is configured to analyze information in a database of vendor information, analyze the database of client information, and provide a suggested transaction based on the information in the database of vendor information and the database of client information. Based on this analysis, the present invention may suggest the best bargain for the client for the purchase of a refrigerator in terms of preferences detailed by the client, with an emphasis on cost, features, warrant, etc. See Appl. p. 25, line 24 – page 26, line 13. Applicant appreciates the Examiner's conclusion that Goldhaber does not disclose providing a suggested transaction to the client based on information in the database of vendor information and the database of client information. However, Applicant traverses the

Examiner's position that such a feature is well known in the art. No reference has been shown to include such a disclosure. Applicant Claim 2 is not rendered obvious for this additional reason.

Regarding claims 43 and 45, neither Goldhaber nor Pitroda '271 discloses a client data consolidation expert system, as that term is used in the application. The client data consolidation expert system is recited as receiving input information comprising client profile information, transactions and records analysis and privacy specifications. Because Goldhaber does not disclose the database as recited in claim 1, it does not disclose an expert system having the inputs as claimed in claims 43 and 45. Accordingly, these claims are not obvious for this additional reason.

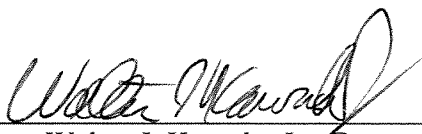
Claims 46-51 stand rejected as unpatentable over Goldhaber in view of Pitroda '271 in further view of Brandt et al, U.S Patent No. 6,714,979. Claim 46 is patentable over Goldhaber and Pitroda '271 and Brandt because these patents, either alone or in combination, do not disclose or render obvious the transaction service provider having the electronic commerce server claimed in claim 46. The broker computer 106 of Goldhaber is not the same as the electronic commerce server of Claim 46 because Goldhaber teaches that the consumer database 120 is a data structure created by the consumer's computer 104, not the broker computer 106. Goldhaber, col. 12, ll. 39-45. Similarly, the electronic transaction device described in Pitroda '271 is a handheld device, not an electronic commerce server. Finally, Brandt also fails to disclose an electronic commerce server as claimed in claim 46. Because neither Goldhaber, Pitroda '271 nor Brandt discloses all of the elements of claim 46, claim 46 is not rendered obvious by the combination of those patents. Additionally, claims 47-51, which depend from claim 46, are also not obvious in view of the combination of Goldhaber and Brandt

Claims 49 is patentable for the additional reason that it claims a client data consolidation expert system that is configured to receive input information comprising client profile information, transactions and records analysis and privacy specifications. Because Goldhaber does not disclose the database as recited in claim 46, it does not disclose an expert system having the inputs as claimed in claims 49. Accordingly, claim 49 is not anticipated for this additional reason.

Applicant respectfully submits that the claims are in condition for allowance, and such action is earnestly submitted. If the Examiner find that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

WELSH & KATZ, LTD.

By 
Walter J. Kawula, Jr., Esq.

Registration No. 39,724

December 22, 2006

WELSH & KATZ, LTD.
Customer No. 24628